

REMARKS

Claims 1-9 are pending in the application. Claim 1 has been amended and is fully supported by the specification and drawings, such as FIGS. 7A and 7B and pages 10-11, paragraphs 0045-0047 of the specification. No new matter is presented. Reconsideration is respectfully requested.

Rejection Under 35 U.S.C. § 102(e)

Claims 1-9 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Imran et al. (U.S. Patent No. 6,535,764). Applicant respectfully traverses. Imran et al. fails to teach or disclose "forming a tissue fold" and attaching a magnetic anchor to the "tissue fold" of the stomach wall. Accordingly, independent claim 1, and claims 2-9 which depend therefrom, are patentably distinguishable over Imran et al. It is respectfully urged that the rejection under 35 U.S.C. § 102(e) be withdrawn.

It is believed that claims 1-9, as amended, are patentably distinguishable over the art and now contain allowable subject matter. If a telephone conference would facilitate prosecution of the application, the undersigned can be reached at (310) 824-5555.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John S. Nagy
Registration No. 30,664

JSN:jeb
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
119785.1